

Message Text

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK IMMEDIATE

S E C R E T STATE 225459

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EXDIS

E.O. 11652: GDS TAGS: PLOS

SUBJECT: STRATEGY FOR REMAINING LOS SESSION

REF: (A) USUN 3591 (B) USUN 3641

FROM THE SECRETARY FOR AMBASSADOR LEARSON

1. I APPRECIATE YOUR ASSESSMENT IN REFTEL AND IN YOUR DAILY REPORTS. WHILE IT IS CLEAR THAT WE WILL NOT WRAP UP THE LOS NEGOTIATIONS AT THIS SESSION, IT IS IMPORTANT THAT WE END ON AS POSITIVE A NOTE AS POSSIBLE. YOU SHOULD UTILIZE THE RESULTS MY VISIT AND OF MY MESSAGE TO CAPITALS TO THIS EFFECT. WE SHOULD PARTICULARLY AVOID AN AIR OF CONFRONTATION WHICH COULD PROVIDE MOTIVATION FOR UNILATERAL ACTS. CONFRONTATION OR A MOOD OF PESSIMISM COULD ALSO OVER-FLOW AND BE HARMFUL TO INTERNATIONAL COOPERATION GENERALLY, AND PARTICULARLY IN OTHER NORTH-SOUTH FORA. WHENEVER POSSIBLE AND APPROPRIATE WE SHOULD INDICATE TO OTHER DELEGATIONS THAT THE FINAL DAYS OF THE

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CONFERENCE SHOULD CONTAIN STATEMENTS OF POSITIVE HOPE THAT

THE LOS CONFERENCE HAS MOVED FORWARD EVEN IF THE TEXTS HAVE NOT BEEN CHANGED. WE SHOULD POINT OUT THAT GIVEN THE AIR OF CONFRONTATION AND STALEMATE EXISTING EARLIER, A MOVEMENT TOWARDS SEEKING A MUTUAL ACCOMMODATION OF INTERESTS HAS TAKEN PLACE IN THE LAST WEEKS OF THE SESSION.

IN THIS CONNECTION IS IT NOT POSSIBLE TO TAKE UP AGAIN IDEA OF CASTANEDA OF SMALL GROUP TO LEAD CHAIRMANS REPORT IN DIRECTION OF A POSITIVE OUTCOME. THE SPECIFIC COMMENTS BELOW SHOULD BE SEEN IN LIGHT OF THIS GENERAL ORIENTATION.

2. I SPECIFICALLY CONCUR WITH YOUR ASSESSMENT (PARA 2C REFTTEL A) THAT THIS IS NOT THE TIME TO MAKE CONCESSIONS WITHOUT ASSURANCE FROM G-77 ON ACCESS FOR OUR MINERS. UNDER THE CIRCUMSTANCES, THE DELEGATION SHOULD HOLD TO A FIRM LINE ON ACCESS IN KEEPING WITH OUR POSITION DURING MY MOST RECENT VISIT. SPECIFICALLY, YOU MAY INDICATE WE CAN ONLY PROCEED TO CONSIDER DETAILS OF PART OF PACKAGE THAT G-77 DESIRES, ESPECIALLY ELABORATION OF FINANCING, TECHNOLOGY TRANSFER AND THE REVIEW CLAUSE, IF WE OBTAIN A SIMILAR COMMITMENT FROM THE G-77 ON GUARANTEED ACCESS ALONG THE LINES PROPOSED BY YOU IN PARA 2(C) REFTTEL A. SHOULD MOVEMENT ON THIS OCCUR, YOU CAN OUTLINE TO SAME EXTENT ILLUSTRATIVE MECHANISMS OF HOW FINANCING, ETC. WOULD WORK AS DISCUSSED EARLIER WITH THE CONCERNED AGENCIES. WE UNDERSTAND THAT FORMAL SESSIONS AND NEGOTIATIONS AT THIS SESSION HAVE NOW CEASED AND THERE IS LITTLE CHANCE THESE ISSUES WILL FORMALLY COME UP IN CONFERENCE MEETINGS. IN ADDITION, INFORMATION WE HAVE INDICATES THAT THERE PROBABLY WILL BE NO REVISION IN RSNT AT THIS SESSION. HOWEVER, WE ALSO UNDERSTAND THAT CHAIRMAN'S REPORTS COULD REFLECT WHAT PROGRESS THAT HAS BEEN MADE IN NEW YORK.

3. WE BELIEVE, ON BALANCE, THAT NO CHANGES SHOULD BE MADE IN COMMITTEE I TEXT GIVEN WIDESPREAD DISAGREEMENT OVER FUNDAMENTALS OF COMMITTEE I ISSUES AND FACT THAT MOST OF THE OUTSTANDING ISSUES WERE NOT ADEQUATELY NEGOTIATED DURING THIS CURRENT SESSION. IF ANY CHANGES ARE MADE, DESPITE CURRENT INFORMATION, OR IF CHAIRMAN'S REPORT WILL REFLECT NEW POSITIONS OR INDICATE AREAS OF

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AGREEMENT THEN DELEGATION SHOULD INSIST THAT ONLY BASIS FOR COMPROMISE WOULD BE TO IMPROVE ACCESS SYSTEM WHILE AT THE SAME TIME INCLUDING GENERAL PROVISIONS WHICH ASSURE THE ABILITY OF THE ENTERPRISE TO GET INTO BUSINESS THROUGH FINANCING OF THE COST OF MINING AND ADDING A REVIEW CLAUSE. THIS WOULD AT LEAST BE BALANCED APPROACH AND REFLECT MAJOR EFFORT BY US TO MEET LDC CONCERNS AS PART OF PACKAGE WHICH MUST INCLUDE ACCESS. STATEMENT COULD

THEN HOPEFULLY BE MADE BY CONFERENCE PRESIDENT THAT WHILE PRESENT TEXT REMAINS A "NEGOTIATING" TEXT WHICH IS CONSIDERED BY ALL SIDES AS FAR FROM PERFECT, NEVERTHELESS SOME PROGRESS TOWARDS AGREEMENT WAS MADE AT THIS SESSION. THESE WOULD BE REFLECTED IN CHAIRMAN'S REPORT AS REPRESENTING A REASONABLE BASIS FOR SUCCESSFUL NEGOTIATIONS AT NEXT SESSION. THIS WOULD PROTECT ALL GROUPS AND OPEN WAY

AT NEXT SESSION FOR NEGOTIATION AROUND PACKAGE PRESENTED DURING MY LAST VISIT.

4. YOU SHOULD, IN ANY CASE, WORK TO PREVENT ANY INCLUSION OF AN AGREED QUOTA SYSTEM IN A REPORT NOTING THAT THIS WAS NOT NEGOTIATED AT THIS SESSION AND REMAINS UNRESOLVED. ON ARTICLE 9 (INTERIM PRODUCTION LIMITS), YOU SHOULD SIMILARLY WORK AGAINST REVISION OR HARMFUL COMMENTS NOTING THAT THIS ARTICLE WAS NEGOTIATED AT FIRST NEW YORK SESSION THIS YEAR ON BASIS OF CAREFUL BALANCED WORDING AND MUTUAL CONCESSIONS AND SHOULD NOT BE ALTERED AT THIS SESSION. IN THIS CONTEXT, YOU MIGHT REMIND AMERASINGHE AND OTHERS AS APPROPRIATE THAT IF CONFERENCE REVISES TEXT OR CHAIRMAN'S COMMENTS ARE ONLY IN DIRECTION OF G-77 POSITION, THIS WILL LIKELY PROMOTE MAJOR EFFORT IN US CONGRESS TO IMMEDIATELY ENACT UNILATERAL LEGISLATION WITH BLAME RESTING ON CONFERENCE FOR ITS RADICAL AND UNACCEPTABLE POSITION.

5. WITHIN CONTEXT OF PRESENT INSTRUCTIONS YOU SHOULD WORK FOR IMPROVEMENT IN COMMITTEE II AND III AND DISPUTE SETTLEMENT TO LIMIT DAMAGE TO OUR VITAL INTERESTS. WHERE INTERAGENCY AGREED FLEXIBILITY EXISTS ON MAIN ISSUES AND YOU BELIEVE IT NECESSARY TO ACT, YOU MAY PROCEED TO WORK TOWARD COMPROMISE POSITIONS WHICH WILL PROTECT US
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INTERESTS IN THE ECONOMIC ZONE AND SCIENTIFIC RESEARCH. IF YOU CAN INFLUENCE DRAFTING OF C-II AND III AND DISPUTE SETTLEMENT REPORTS BY RESPECTIVE CHAIRMAN YOU SHOULD DO SO IN CONTEXT THAT WE ARE NOT NECESSARILY COMMITTED TO OUTCOME IF OVERALL IT DOES NOT PROTECT OUR INTERESTS.

6. FINALLY, AS NOTED ABOVE YOU SHOULD PURSUE LINE I TOOK IN NEW YORK, ESPECIALLY WITH LDCS, ON IMPORTANCE OF ENDING SESSION ON A POSITIVE NOTE THAT PROGRESS CAN BE MADE AT NEXT SESSION GIVEN THE EFFORTS MADE BY US TO BREAK STALEMATE. WHILE I WILL BE AWAY FROM WASHINGTON FOR NEXT WEEK OR SO, YOU SHOULD CONTINUE TO SEND ME DAILY REPORTS AND INFORM ME IF THERE IS ANYTHING SPECIFICLY I CAN DO TO BE HELPFUL TO ASSIST THE NEGOTIATIONS DURING LAST WEEK, INCLUDING ANY INTERVENTIONS IN CAPITALS.

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